



UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

January 2023 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY GUTIERREZ,
ANTONIO ACEVES, JR., and
PEDRO GALLARDO,
aka "Mono,"

Defendants.

CR No. 2:23-cr-00637-PA

I N D I C T M E N T

[18 U.S.C. § 371: Conspiracy;
18 U.S.C. § 922(a)(1)(A):
Engaging in the Business of
Dealing in Firearms Without a
License; 18 U.S.C. § 933(a)(1):
Firearms Trafficking; 21 U.S.C.
§§ 841(a)(1), (b)(1)(A)(viii):
Distribution of Methamphetamine;
18 U.S.C. § 922(g)(1): Felon in
Possession of Firearms and
Ammunition; 18 U.S.C. § 922(g)(9):
Prohibited Person in Possession of
Firearms and Ammunition; 21 U.S.C.
§ 853, 18 U.S.C. § 924(d)(1), and
28 U.S.C. § 2461(c): Criminal
Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 371]

[DEFENDANT GUTIERREZ]

A. INTRODUCTORY ALLEGATION

At times relevant to this Indictment, defendant ANTHONY
GUTIERREZ did not have a federal firearms license issued by the

1 United States Bureau of Alcohol, Tobacco, Firearms, and Explosives
2 ("ATF"), and thus was not licensed to import, manufacture, or deal in
3 firearms.

4 B. OBJECT OF THE CONSPIRACY

5 Beginning on an unknown date, but no later than on or about June
6 22, 2023, and continuing until at least on or about December 13,
7 2023, in Los Angeles County, within the Central District of
8 California, and elsewhere, defendant GUTIERREZ conspired with others
9 known and unknown to the Grand Jury to engage in the business of
10 dealing in firearms without a license, in violation of Title 18,
11 United States Code, Section 922(a)(1)(A).

12 C. MANNER AND MEANS OF THE CONSPIRACY

13 The object of the conspiracy was to be accomplished, in
14 substance, as follows:

15 1. Defendant GUTIERREZ and a co-conspirator ("Co-Conspirator
16 1") would offer to sell firearms to customers in Los Angeles and
17 would coordinate the date, time, and location of the firearms sale.

18 2. Defendant GUTIERREZ, co-conspirator Antonio Aceves, Jr.
19 ("Aceves") and Co-Conspirator 1 would sell firearms to the customer
20 and associates.

21 D. OVERT ACTS

22 On or about the following dates, in furtherance of the
23 conspiracy and to accomplish its object, defendant GUTIERREZ, and
24 others known and unknown to the Grand Jury, committed various overt
25 acts within the Central District of California, and elsewhere,
26 including, but not limited to, the following:
27
28

June 22, 2023: Defendant GUTIERREZ Sells a Firearm

Overt Act No. 1: On June 20, 2023, via an Instagram direct message, and using coded language, Co-Conspirator 1 offered to sell a firearm for \$1,300 to a person he believed to be a customer, but who was, in fact, a confidential informant working for ATF (the "Confidential Informant").

Overt Act No. 2: On June 22, 2023, via an Instagram direct message, Co-Conspirator 1 sent the Confidential Informant an address on Santa Anita Avenue in Temple City, California, where the Confidential Informant could meet him for the sale.

Overt Act No. 3: On June 22, 2023, defendant GUTIERREZ drove to Santa Anita Avenue in Temple City, California, to provide Co-Conspirator 1 with the firearm for the sale.

Overt Act No. 4: On June 22, 2023, Co-Conspirator 1 met with the Confidential Informant on Santa Anita Avenue in Temple City, California to sell a firearm.

Overt Act No. 5: On June 22, 2023, Co-Conspirator 1 and defendant GUTIERREZ sold a Glock GMBH, model 22Gen4, .40 caliber pistol, bearing serial number WDN473, to the Confidential Informant.

July 5, 2023: Defendant GUTIERREZ Sells a Firearm

Overt Act No. 6: On July 5, 2023, defendant GUTIERREZ, via an Instagram direct message, introduced himself to the Confidential Informant as the "homie" of Co-Conspirator 1.

Overt Act No. 7: On July 5, 2023, via an Instagram direct message, defendant GUTIERREZ agreed to sell a firearm to the Confidential Informant for \$1,400.

1 Overt Act No. 8: On July 5, 2023, defendant GUTIERREZ drove a
2 Chevrolet Malibu to a Food 4 Less in Los Angeles, California, to sell
3 the Confidential Informant a firearm.

4 Overt Act No. 9: On July 5, 2023, defendant GUTIERREZ sold a
5 Ruger, model P95, 9mm caliber pistol, bearing serial number 318-
6 15305, and nine rounds of ammunition, to the Confidential Informant.

7 **July 27, 2023: Defendant GUTIERREZ Sells Two Firearms**

8 Overt Act No. 10: On July 19, 2023, via Instagram direct
9 messages, co-conspirator Aceves sent defendant GUTIERREZ photographs
10 of firearms for sale.

11 Overt Act No. 11: On July 19, 2023, via an Instagram direct
12 message, co-conspirator Aceves sent defendant GUTIERREZ a list of
13 prices for the firearms.

14 Overt Act No. 12: On July 19, 2023, via Instagram direct
15 messages, defendant GUTIERREZ sent the Confidential Informant the
16 photographs of firearms for sale that he received from co-conspirator
17 Aceves.

18 Overt Act No. 13: On July 26, 2023, defendant GUTIERREZ agreed
19 to meet the Confidential Informant at a shopping center in South
20 Gate, California, for the firearms sale.

21 Overt Act No. 14: On July 26, 2023, through an Instagram
22 direct message, defendant GUTIERREZ relayed to co-conspirator Aceves
23 that the firearms sale would take place at a shopping center in South
24 Gate, California.

25 Overt Act No. 15: On July 27, 2023, defendant GUTIERREZ sold a
26 Ruger, model P94, 40 caliber pistol, bearing serial number 340-84166,
27 and a Ruger, model P90DC, 45 caliber pistol, bearing serial number
28 660-66491, to the Confidential Informant for \$2,600.

August 9, 2023: Defendant GUTIERREZ Sells Three Firearms

Overt Act No. 16: On August 2, 2023, via Instagram direct messages, co-conspirator Aceves sent defendant GUTIERREZ photographs of firearms for sale and a list of prices for the firearms, including a Taurus, model G3C pistol.

Overt Act No. 17: On August 5, 2023, via Instagram direct messages, defendant GUTIERREZ sent the Confidential Informant photographs of firearms for sale.

Overt Act No. 18: On August 9, 2023, defendant GUTIERREZ, via an Instagram direct message, agreed to meet the Confidential Informant at a Food 4 Less in Los Angeles, California ("Food 4 Less"), to sell four firearms.

Overt Act No. 19: On August 9, 2023, defendant GUTIERREZ arrived at the Food 4 Less in a Nissan Sentra.

Overt Act No. 20: On August 9, 2023, co-conspirator Aceves arrived and parked an Infiniti sedan near a Denny's diner in Los Angeles, California, approximately .2 miles away from the Food 4 Less.

Overt Act No. 21: On August 9, 2023, defendant GUTIERREZ sold the following firearms to the Confidential Informant for \$4,400: a Taurus, model G3C, 9mm caliber pistol, bearing serial number ABL084466, provided by co-conspirator Aceves; a Kel-Tec, CNC Industries Inc., model PF-9, 9mm caliber pistol, bearing serial number R1W71; a SCCY Industries, LLC, model CPX-2, 9mm caliber pistol, bearing serial number C289992; and a Polymer 80, Inc., model PF940SC, 9mm caliber pistol, bearing no manufacturer's mark or serial number ("commonly referred to as a "ghost gun").

COUNT TWO

[18 U.S.C. § 922(a)(1)(A)]

[DEFENDANT GUTIERREZ]

Beginning on or about June 2, 2023, and continuing to on or about November 14, 2023, in Los Angeles County, within the Central District of California, and elsewhere, defendant ANTHONY GUTIERREZ and others known and unknown to the Grand Jury, not being licensed importers, manufacturers, or dealers of firearms, each aiding and abetting the other, willfully engaged in the business of dealing in firearms, specifically, the sales of the following firearms, on or about the following dates:

DATE	FIREARM(S)
6/22/2023	a Glock GMBH, model 22Gen4, .40 caliber pistol, bearing serial number WDN473
7/5/2023	a Ruger, model P95, 9mm caliber pistol, bearing serial number 318-15305
7/27/2023	(1) a Ruger, model P94, .40 caliber pistol, bearing serial number 340-84166 (2) a Ruger, model P90DC, .45 caliber pistol, bearing serial number 660-66491
8/9/2023	(1) a Taurus, model G3C, 9mm caliber pistol, bearing serial number ABL084466 (2) a Kel-Tec, CNC Industries Inc., model PF-9, 9mm caliber pistol, bearing serial number R1W71 (3) a SCCY Industries, LLC, model CPX-2, 9mm caliber pistol, bearing serial number C289992 (4) a Polymer 80, Inc., model F940SC, 9mm caliber pistol, bearing no manufacturer's mark or serial number (commonly referred to as a "ghost gun")

COUNT THREE

[18 U.S.C. § 933(a)(1)]

[DEFENDANT GALLARDO]

On or about June 23, 2023, in Los Angeles County, within the Central District of California, defendant PEDRO GALLARDO, also known as "Mono," transported, transferred, and caused to be transported, and otherwise disposed of firearms, namely, a Fusion Firearms, model 1911, .38 caliber pistol, bearing serial number L00268; a Beretta USA Corporation, model 950, .25 caliber pistol, bearing serial number DAA215818; and a Sig Sauer, model P938, 9mm caliber pistol, bearing serial number 52B010428, in and affecting interstate commerce, knowing and having reasonable cause to believe that the use, carrying, and possession of the firearms by the recipients would constitute a felony.

COUNTS FOUR THROUGH SIX

[18 U.S.C. § 922(g) (9)]

[DEFENDANT GUTIERREZ]

On or about the following dates, in Los Angeles County, within the Central District of California, defendant ANTHONY GUTIERREZ knowingly possessed the following firearms and ammunition, each in and affecting interstate and foreign commerce:

COUNT	DATE	FIREARM(S) AND AMMUNITION
FOUR	July 5, 2023	a Ruger pistol, model P95, 9mm caliber pistol, bearing serial number 318-15305 6 rounds of Sig Sauer 9mm caliber ammunition 1 round of Remington Ammunition 9mm caliber ammunition 1 round of CCI/Speer or Federal Cartridge Company 9mm caliber ammunition
FIVE	July 27, 2023	a Ruger, model P94, 40 caliber pistol, bearing serial number 340-84166 a Ruger, model P90DC, 45 caliber pistol, bearing serial number 660-66491
SIX	August 9, 2023	a Taurus, model G3C, 9mm caliber pistol, bearing serial number ABL084466 a Kel-Tec, CNC Industries Inc., model PF-9, 9mm caliber pistol, bearing serial number R1W71 a SCCY Industries, LLC, model CPX-2, 9mm caliber pistol, bearing serial number C289992

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1 Defendant GUTIERREZ possessed such firearms and ammunition
2 knowing that he had previously been convicted of a misdemeanor crime
3 of domestic violence, namely, Inflicting Corporal Injury on a
4 Spouse/Cohabitant, in violation of California Penal Code Section
5 273.5(a), in the Superior Court for the State of California, County
6 of Los Angeles, Case Number ODN05435, on or about August 28, 2020.

COUNTS SEVEN AND EIGHT

[18 U.S.C. § 922(g) (1)]

[DEFENDANT GALLARDO]

On or about the following dates, in Los Angeles County, within the Central District of California, defendant PEDRO GALLARDO, also known as "Mono," knowingly possessed the following firearms and ammunition, each in and affecting interstate and foreign commerce:

COUNT	DATE	FIREARM(S) AND AMMUNITION
SEVEN	June 23, 2023	<p>a Fusion Firearms, model 1911, .38 caliber pistol, bearing serial number L00268</p> <p>a Beretta USA Corporation, model 950, .25 caliber pistol, bearing serial number DAA215818</p> <p>a Sig Sauer, model P938, 9mm caliber pistol, bearing serial number 52B010428</p> <p>50 rounds of RUAG 9mm caliber ammunition</p> <p>50 rounds of Prvi Partizan .25 caliber ammunition</p> <p>24 rounds of Winchester Ammunition .38 Super caliber ammunition</p> <p>7 rounds of Remington Ammunition .38 Super caliber ammunition</p> <p>1 round of Remington Ammunition .38 Auto caliber ammunition</p> <p>3 rounds of Barnaul Cartridge Works 7.62x39 caliber ammunition</p>
EIGHT	July 5, 2023	<p>a SWD, model M11/9, 9 mm caliber pistol, bearing serial number 89-0008101</p>

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1 Defendant GALLARDO possessed such firearms and ammunition
2 knowing that he had previously been convicted of at least one of the
3 following felony crimes, each punishable by a term of imprisonment
4 exceeding one year:

5 (1) Lewd or Lascivious Acts on a Child Under 14, in violation
6 of California Penal Code Section 288(a), in the Superior Court for
7 the State of California, County of Los Angeles, Case Number KA052787,
8 on or about November 2, 2001; and

9 (2) Possession of a Controlled Substance in violation of
10 California Health & Safety Code Section 11377(a), in the Superior
11 Court for the State of California, County of Los Angeles, Case No.
12 KA117460, on or about June 7, 2018.

COUNTS NINE AND TEN

[18 U.S.C. § 922(g)(1)]

[DEFENDANT ACEVES]

On or about the following date, in Los Angeles County, within the Central District of California, defendant ANTONIO ACEVES, JR., knowingly possessed the following firearms and ammunition, each in and affecting interstate and foreign commerce:

COUNT	DATE	FIREARM(S) AND AMMUNITION
NINE	August 9, 2023	A Taurus, model G3C, 9mm caliber pistol, bearing serial number ABL084466
TEN	December 13, 2023	25 rounds of Sellier & Bellot, twelve-gauge ammunition

Defendant ACEVES possessed such firearms and ammunition knowing that he had previously been convicted of at least one of the following felony crimes, each punishable by a term of imprisonment exceeding one year:

(1) Carrying a Concealed Weapon, in violation of California Penal Code Section 12025(a)(2), in the Superior Court for the State of California, County of Los Angeles, Case No. VA086148, on or about December 15, 2004;

(2) Receiving Stolen Property, in violation of California Penal Code Section 496(b), in the Superior Court for the State of California, County of Los Angeles, Case No. KA107741, on or about June 26, 2015; and

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1 (3) Possession of Dangerous Fireworks, in violation of
2 California Health & Safety Code Section 12700(b)(3), in the Superior
3 Court for the State of California, County of Inyo, Court Case No.
4 MICRF-14-56890, on or about December 16, 2014.

COUNT ELEVEN

[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii)]

[DEFENDANT GALLARDO]

On or about September 14, 2023, in Los Angeles County, within the Central District of California, defendant PEDRO GALLARDO, also known as "Mono," knowingly and intentionally distributed at least 50 grams, that is, approximately 870 grams, of methamphetamine, a Schedule II controlled substance.

COUNT TWELVE

[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii)]

[DEFENDANT GALLARDO]

On or about October 10, 2023, in Los Angeles County, within the Central District of California, defendant PEDRO GALLARDO, also known as "Mono," knowingly and intentionally distributed at least 50 grams, that is, approximately 893.4 grams, of methamphetamine, a Schedule II controlled substance.

COUNT THIRTEEN

[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii)]

[DEFENDANT GALLARDO]

On or about October 30, 2023, in Los Angeles County, within the Central District of California, defendant PEDRO GALLARDO, also known as "Mono," knowingly and intentionally distributed at least 50 grams, that is, approximately 1,958.1 grams, of methamphetamine, a Schedule II controlled substance.

FORFEITURE ALLEGATION ONE

[18 U.S.C. § 924(d)(1); 28 U.S.C. § 2461(c)]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), in the event of any defendant's conviction of the offenses set forth in any of Counts One through Ten of this Indictment.

2. Any defendant so convicted shall forfeit to the United States of America the following:

(a) All right, title, and interest in any firearm or ammunition involved in or used in any such offense; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), the convicted defendant shall forfeit substitute property, up to the value of the property described in the preceding paragraph if, as the result of any act or omission of said defendant, the property described in the preceding paragraph or any portion thereof (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property that cannot be divided without difficulty.

FORFEITURE ALLEGATION TWO

[21 U.S.C. § 853]

1. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 21, United States Code, Section 853, in the event of the defendant's conviction of the offenses set forth in Counts Eleven through Thirteen of this Indictment.

2. The defendant, if so convicted, shall forfeit to the United States of America the following:

(a) All right, title and interest in any and all property, real or personal, constituting or derived from, any proceeds which the defendant obtained, directly or indirectly, from any such offense;

(b) All right, title and interest in any and all property, real or personal, used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of any such offense; and

(c) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraphs (a) and (b).

3. Pursuant to Title 21, United States Code, Section 853(p), the defendant, if so convicted, shall forfeit substitute property if, by any act or omission of the defendant, the property described in the preceding paragraph, or any portion thereof: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished

1 in value; or (e) has been commingled with other property that cannot
2 be divided without difficulty.

3
4 A TRUE BILL

5 /s/

6
7

Foreperson

8 E. MARTIN ESTRADA
9 United States Attorney

10 MACK E. JENKINS
11 Assistant United States Attorney
12 Chief, Criminal Division



13 SCOTT M. GARRINGER
14 Assistant United States Attorney
15 Deputy Chief, Criminal Division

16 IAN V. YANNIELLO
17 Assistant United States Attorney
18 Chief, General Crimes Section

19 LAURA A. ALEXANDER
20 Assistant United States Attorney
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22 Protection Section
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